

Prob 12C
(6/19)

UNITED STATES DISTRICT COURT
for the District of Maine
Petition for Warrant or Summons for Offender under Supervision

Name of Offender: John Rupert**Case Number:** 0100 2:22CR00009-001**Sentencing Judicial Officer:** Honorable Paul J. Barbadoro, U.S. District Judge (District of New Hampshire)**Assigned Judicial Officer:** Honorable Nancy Torresen, U. S. District Judge**Date of Original Sentence:** July 19, 2021**Original Offense:** Interstate Threatening Communications, in violation of 18 U.S.C. § 875(c)**Original Sentence:** 12 Months Probation**Type of Supervision:** Probation**Date Supervision Commenced:** July 19, 2021**Assistant U.S. Attorney:****Defense Attorney:**

Nicholas Scott

Daphne Hallett Donahue

PETITIONING THE COURT

- ☐ To issue a warrant/matter to be sealed pending arrest or until detainer is lodged.
☐ To issue a warrant/matter to be sealed pending arrest. Attachment to remain sealed after arrest.
☒ To issue a summons.

The probation officer believes that the offender has violated the following condition(s) of supervision:

Violation Number **Nature of Noncompliance**

One	<u>Special Condition No. 2:</u> You must not use or possess any controlled substances without a valid prescription. If you do have a valid prescription, you must disclose the prescription information to the probation officer and follow the instructions on the prescription.
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	<p>On July 29, 2021, the defendant submitted to a drug test, which was positive for the use of marijuana. The defendant admitted to the use of marijuana.</p> <p>On August 13, 2021, during an unannounced home visit, the defendant admitted to using marijuana.</p> <p>On September 9, 2021, the defendant submitted to a drug test, which was positive for the use of marijuana. The defendant admitted he used marijuana.</p> <p>On October 21, 2021, the defendant submitted to a drug test, which was positive for the use of marijuana. The defendant admitted to the use of marijuana.</p> <p>On November 10, 2021, the defendant admitted he had used marijuana on that date.</p> <p>On January 12, 2022, the defendant submitted to a drug test, which was positive for the use of marijuana. The defendant admitted to using marijuana regularly.</p> <p>On January 14, 2022, the defendant provided the undersigned officer a document titled, "Notice of Religious Use of Cannabis" in which he stated he uses marijuana for religious purposes and provided the Probation Office a "Maine Religious Use of Marijuana Certificate." The defendant stated within the Notice that he uses Cannabis for religious purposes, and that his religious use of "Holy Cannabis" is protected by the Religious Freedom Restoration Act, and the Federal Government is therefore prohibited from burdening his religious use of "Holy Cannabis" without demonstrating that this is the least restrictive means of furthering the interest of the Government. The defendant included a "Maine Religious Use of Marijuana Certificate" which certifies the defendant uses marijuana for sacramental purposes pursuant to Article I, Section 3, of the Maine Constitution. The Certificate is issued and signed by Dr. Erwin L. Rupert II, MD, New World Church Inc., who is the father of the defendant, and who was previously on supervision with this office.</p> <p>On March 1, 2022, the defendant submitted to a drug test, which was positive for the use of marijuana. The defendant admitted to using marijuana regularly.</p> <p>On March 3, 2022, the defendant appeared before The Honorable Nancy Torresen, for a compliance hearing. Judge Torresen informed</p>
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	<p>the defendant his conditions prohibit the use of marijuana and instructed him to cease marijuana use.</p> <p>On March 12 and March 26, 2022, the defendant submitted to drug tests, which were positive for the use of marijuana.</p> <p>On March 28, 2022, the defendant reported to the U.S. Probation Office to discuss his positive drug tests with the undersigned officer. The defendant told the undersigned officer he would like to have his probation revoked and serve a period of incarceration, rather than comply with his condition of probation which requires him to stop using marijuana. The defendant informed he has continued to use marijuana on a daily basis and does not intend on stopping.</p> <p>On April 7 and April 11, 2022, the defendant submitted to drug tests, which were positive for the use of marijuana.</p>
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U.S. Probation Officer Recommendation:

☒ The term of supervision should be:

☒ revoked.

☐ extended for {years} for a total of {years} years.

☐ the conditions of supervision should be modified as follows:

I declare under penalty of perjury the foregoing is true and correct.

Executed on: April 26, 2022

Respectfully Submitted,

By: *Toni Baker*
Toni Baker
U.S. Probation Officer

Reviewed: *Melanie Holton*
Melanie Holton
Supervisory U.S. Probation Officer
4/26/2022

**SUPERVISED RELEASE VIOLATION
COVER SHEET**

Name: John Rupert

Y/O/B: 1992

Offense(s) of Conviction and Classification: Interstate Threatening Communications, in violation of 18 U.S.C. § 875(c) (Class D Felony)

Original Sentence: 12 Months Probation

Date Imposed: July 19, 2021

Available Penalties for Current Violation (with statutory reference);

Additional Period of Imprisonment: 5 years (original penalty available at sentencing), 18 U.S.C. § 875(c) and 18 U.S.C. § 3565.

Additional Period of Release: 3 years (original penalty available at sentencing), 18 U.S.C. § 3583(b)(2) and 18 U.S.C. § 3565.

Supervising U.S. Probation Officer
Toni Baker